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JAN 26 2006

## In The United States Patent and Trademark Office

Application Number: 10/824,963  
 Application Filed: 2004 April 15  
 Applicants: Stephen J. Madigan, Jean Blaydes Madigan, Larry E. Hess,  
 Cynthia A. Hess  
 Application Title: Educational Tracks and Apparatuses  
 Examiner/GAU: Allana Lewin/3764

Mailed: January 13, 2006  
 At: 232 Zachary Walk, Murphy, TX 75094

## Amendment A to First Office Action

Commissioner for Patents  
 Washington, District of Columbia 20231

Sir:

In response to the Office Letter mailed October 21, 2005, please amend the above application, originally filed April 15, 2004, and amended August 15, 2005, as follows:

Drawings: Applicants have corrected Figure 1 in accordance with the examiner's recommendation. Figure 1 has been designated "Prior Art" and the replacement sheet has been labeled "Replacement Sheet" in the header. The corrected drawing is attached to this Amendment A.

<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>		Application No. <b>10/824,963</b>	Applicant(s) <b>Art Unit</b>
		Examiner <b>LEWIN</b>	<b>3764</b>

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on **13 January 2006** is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

☐ A. Amended paragraph(s) do not include markings.

☐ B. New paragraph(s) should not be underlined.

☐ C. Other \_\_\_\_\_

☐ 2. Abstract:

☐ A. Not presented on a separate sheet, 37 CFR 1.72.

☐ B. Other \_\_\_\_\_

☐ 3. Amendments to the drawings:

☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.64 are required.

☐ C. Other \_\_\_\_\_

☒ 4. Amendments to the claims:

☐ A. A complete listing of all of the claims is not present.

☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).

☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).

☒ D. The claims of this amendment paper have not been presented in ascending numerical order.

☐ E. Other: Missing Claims 1-22

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dnpp/cips/propnotice/officeletter.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowances. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.

2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121. If the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Jan. A. Madigan*  
 Legal Instruments Examiner (LIE)

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U.S. Patent and Trademark Office  
 PTOL-324 (08-05)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No.

Application Number 10/824,963 (Madigan et al.) GAU 3764 Amendment A contd.

We claim

1. — 22. (Cancelled)

23. An article of educational equipment horizontally traversed by a human comprising:

a) an enclosed rectangular shaped ladder consisting of

i) two elongated, rigid, rectangular rails each rail of equal dimensions,

ii) multiple rungs each rung of equal length, perpendicularly affixed to the interior side of each rectangular rail serving to hold the rails in a fixed parallel relationship to each other, and each affixed rung of a height substantially the same, and

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